

FILED
CRIMINAL DIVISION

2003 AUG 12 A 11:05

GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CASE NO. CR435700

(JUDGE NANCY MCDONNELL)



STATE OF OHIO,

Plaintiff,

vs.

RU-EL SAILOR.

Defendant.

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AFFIDAVIT OF CORDELL
HUBBARD IN SUPPORT OF
DEFENDANT'S MOTION FOR
A NEW TRIAL

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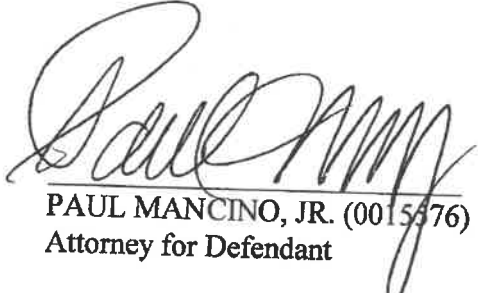
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Defendant previously filed a motion for a new trial. Defendant did not have the affidavit of Cordell Hubbard. Defendant now has the affidavit of Cordell Hubbard which is attached. That affidavit attests to the fact that defendant, Ru-El Sailor was not present and had no connection with the death of Omar Clark. A manifest injustice has resulted in this case when the person, who was actually innocent has been convicted. Defendant therefore is entitled to a new trial.


PAUL MANCINO, JR. (0015576)
Attorney for Defendant
75 Public Square, #1016
Cleveland, Ohio 44113-2098
(216) 621-1742

SERVICE

A copy of the foregoing **Affidavit of Cordell Hubbard In Support of Defendant's Motion For a New Trial** has been sent to William D. Mason, Attorney for Plaintiff, on this 12th day of August, 2003.


PAUL MANCINO, JR. (0015376)
Attorney for Defendant

RSailor.CHAFidavit

STATE OF OHIO }
 }
CUYAHOGA COUNTY }

ss.

AFFIDAVIT

FOR FILING
AUG 12 2003
GERALD E. FUERST, CLERK
BY _____ DEP.

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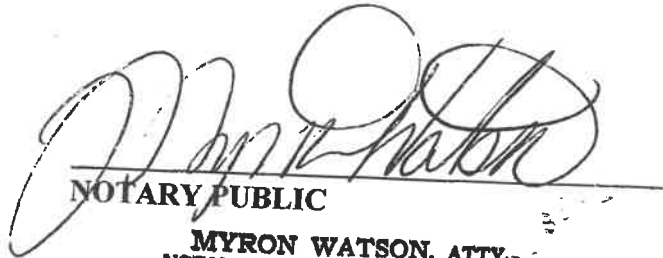
I, CORDELL HUBBARD, having first been sworn, deposes and says:

1. That he is the Defendant in Case No. 435700 in which Ru-El Sailor is a co-defendant; that he was convicted of murder in a joint trial in which Ru-El Sailor was also convicted of aggravated murder for the death of Omar Clark.
2. Affiant states that he did not testify at the trial of this case which was tried jointly with Ru-El Sailor and Nicole Hubbard.
3. Affiant states that after the jury returned the verdict of guilty he informed Ru-El Sailor, for the first time, that he was in fact the shooter and that he caused the death of Omar Clark.
4. Affiant states that the person with him that night was "Will", and he had just learned recently that "Will's" full name is William Sizemore.
5. Affiant further states that Will was with him on the night of the shooting of Omar Clark. They arrived together and they left together.
6. Affiant states that Omar Clark, the decedent, actually confronted him with a handgun while he (*i.e.*, Cordell Hubbard) was involved in an argument with Clark Lamar, aka "Dude".
7. Affiant states that William Sizemore told Omar Clark "to put the gun away."
8. Affiant admits that he pulled out his firearm, and when this happened; Will Sizemore stated to me: "Don't shoot Omar, he is my cousin's baby's daddy!"
9. Affiant states he then told Will to tell Omar Clark to put his gun away.
10. Affiant further states that after Omar Clark put his gun in his waistband, he suddenly pulled it back out and pointed it in my direction, and that is when I fired my gun in self-defense.

FURTHER AFFIANT SAYETH NAUGHT.

Cordell Hubbard
CORDELL HUBBARD

SUBSCRIBED AND SWORN TO, in my presence, a Notary Public, on this 9th day of
August, 2003.



NOTARY PUBLIC

MYRON WATSON, ATTY.
NOTARY PUBLIC • STATE OF OHIO
My Commission Has No Expiration Date
Section 147.03 O.R.C.